STRONACH TOWNSHIP
MANISTEE COUNTY, MICHIGAN

DATA CENTER MORATORIUM

At a meeting of the Township Board of Stronach Township, Manistee County, Michigan, held at 2471 Main Street RR3, Manistee, Michigan 49660 on the 10 day of June 2026, at 7:38 p.m., the following moratorium was offered by Township Board Member Terry Linkeman and supported by Township Board Member Logan Skiera.

A temporary moratorium on the permitting, consideration, approval, location, construction, and/or installation of any Data Center facilities. Such temporary moratorium shall be considered a police power ordinance and resolution of the Township Board and shall expire on December 31, 2026.

WHEREAS, due to concerns from the public and Township officials about appropriate regulations for the increasing amount of Data Center developments across Michigan, and to regulate Data Center development within the Township; and

WHEREAS, Data Center means a facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances and other associated components related to digital data operations. The facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at the Data Center; and

WHEREAS, the typical physical characteristics of Data Centers include, but are not limited to the following: (1) power systems; (2) cooling systems; (3) battery energy storage energy systems; (4) use of equipment to cool the hardware and operating space; and/or (5) power generators; and

WHEREAS, the Township's zoning ordinance, as currently written, does not define, address, or provide any regulations for Data Centers or regulate any similar use fitting the description above. Therefore, the land use is deemed prohibited; and

WHEREAS, the Township has a legitimate purpose in addressing the proper design, size, location, and operation of a Data Center in the Township; and

WHEREAS, the amount of water and energy consumed by, and noise produced by, Data Centers raises concerns that necessary regulations may be required to protect the public health, safety, and general welfare; and

WHEREAS, the Township is reasonably concerned future Data Centers, without proper regulations, would be established in inappropriate or inadvisable locations within the Township; and

WHEREAS, the Township is desirous of studying the localized impacts of Data Centers and assessing its regulations to implement an appropriate approach for addressing and mitigating such impacts within the Township in order to protect the public health, safety, and general welfare of the Township; and

WHEREAS, studies regarding the impacts of Data Centers are constantly evolving and present complex regulatory issues and thus the time to consider and assess the regulation of Data Centers within the Township will take several months; and

WHEREAS, it is appropriate to forestall such issues for the Township and to enact a temporary moratorium on such Data Centers until December 31, 2026, or until any necessary regulations can be enacted; and

WHEREAS, the United States Supreme Court has upheld imposing moratoriums as a tool to temporarily pause the consideration of potential development to study appropriate regulations and ordinances. *Tahoe-Sierra Preservation Council v Tahoe Regional Planning Agency*, 535 US 302, 341; 122 S Ct 1465; 152 L Ed 2d 517, 552 (2002). Temporary moratoriums of a year or less in length are generally presumed to be valid; and

WHEREAS, Michigan courts have upheld the enactment of moratoriums to study and adopt new regulations. See *Central Advertising Co v St Joseph Twp*, 125 Mich App 548, 554; 337 NW2d 15 (1983). This includes Michigan courts upholding the enactment of moratoriums even by resolution and have held that the Michigan Zoning Enabling Act does not require moratoriums to be enacted by zoning ordinance amendment due to their temporary nature and governance over ministerial functions. *Metamora Twp v Am Aggregates of Mich*, Inc, ___NW2d___; 2021 Mich. App. LEXIS 2090, at *45 (Ct App, Apr. 1, 2021); and

WHEREAS, the Township determines that the adoption of this moratorium which is necessary to preserve the public health, safety, and general welfare by preventing the inappropriate location and establishment of Data Centers in the Township during the time needed to study and review, due to conditions within the Township.

NOW, THEREFORE, Stronach Township, Manistee County, Michigan, Ordains and Resolves:

Section 1. Title: This moratorium shall be known and cited as the Stronach Township Temporary Data Center Moratorium.

Section 2. Definition: Data Center means a facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances and other associated components related to digital data operations. The facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at the Data Center.

Section 3. Temporary Moratorium: The Township enacts a temporary moratorium on the permitting, consideration, approval, location, erection, construction, review, and/or installation of all Data Centers in the Township **until December 31, 2026**, subject to the Township's implementation of regulations governing Data Centers. For the purposes of this moratorium, Data Center encompasses all like operations, whether referenced in the Stronach Township Zoning Ordinance or not.

Section 4. Severability and Form: The provisions of this moratorium are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the moratorium which shall continue in full force and effect. In addition to being considered a police power ordinance, the above-mentioned provisions shall also be deemed to be passed as an immediately-effective resolution of the Township Board governing an issue on a temporary timeline and regulating the internal affairs of the Township (e.g., when the Township will accept applications for the Data Center land use and when it will schedule the review of such applications versus adoption of new regulations and standards that would bind third parties).

Section 5. Repeal: All ordinances and resolutions or parts thereof in conflict with this moratorium are hereby repealed.

Section 7. Effective Date: The moratorium shall take effect as a resolution immediately upon passage by the Township Board upon roll call vote. The moratorium shall take effect as both a resolution and police power ordinance immediately upon publication.

YEAS: Mr. Skiera, Mr. Lindeman, Ms. Zoseßak, Ms. Gerber, Mr. Vadeboncoeur

NAYS: Ø

ABSENT/ABSTAIN: Ø

ORDINANCE DECLARED ADOPTED.

Phil Vadeboncoeur

Phil Vadeboncoeur, Stronach Township Supervisor